In the High Court of Punjab and Haryana at Chandigarh.

Civil Revision No.6068 of 2004.

Date of decision:28.9.2006.

Bahai Sahib Singh Ji.

...Petitioner.

Versus

Surinder Kaur and others.

...Respondents.

...

Coram: Hon'ble Mr. Justice S. N. Aggarwal.

...

Present: Mr.Ashish Aggarwal Advocate for the petitioner.

None for the respondents.

...

Judgment.

S. N. Aggarwal, J.

Respondent Nos.1 to 3 filed civil suit for a declaration that the sale deed dated 15.12.1995 executed in favour of Rakesh Kumar Sehgal (respondent No.4) by Niranjan Singh (respondent No.5) was illegal and null and void on the plea that the suit land was ancestral in which respondent Nos.2 and 3 were having legal rights from their birth and the suit land has been sold by Niranjan Singh without legal necessity. Rakesh Kumar Sehgal, respondent No.4, had further sold the land to the petitioners vide sale deed dated 28.2.2001. Hence, it was

prayed that both the sale deeds be set aside.

The petitioner filed written statement and contested the suit.

During the pendency of civil suit, the petitioner filed an application under Order 6 Rule 17 CPC for amendment of written statement in order to take a plea that the agricultural land was sold by Niranjan Singh and it was an act of good management. The said application was dismissed by the learned trial Court vide impugned order dated 7.9.2004.

Hence, the petition.

The submission of learned counsel for the petitioner was that this plea could not be taken up by the petitioner earlier inadvertently and if the petitioner succeeds to prove the same, the sale deed in favour of the petitioner as also in favour of his vendor shall be up-held.

This amendment,however, is being sought at a late stage although this amendment is necessary for the just decision of the case. Therefore, this petition is accepted on payment of costs of Rs.3,000/-. The costs shall be payable to the plaintiffs/respondents only.

September 28,2006. (S. N. Aggarwal)
Jaggi Judge